

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

JOSEPH D. GREEN,

Petitioner,

- versus -

UNITED STATES OF AMERICA

Respondent.

ORDER

13-CV-2660 (JG)

JOE D. GREEN,

Petitioner,

- versus -

UNITED STATES OF AMERICA

Respondent.

13-CV-6119 (JG)

JOHN GLEESON, United States District Judge:

In the case now before both this Court and the Second Circuit, Joseph Green requests permission to seek a certificate of appealability in order to appeal my denial of his § 2255 petition. In a letter docketed in 13-6119, Green requests that I clarify whether a district court “has authority to issue a [certificate of appealability].” ECF No. 7, at 1. This letter should not have been docketed under the 13-6119 docket number; in fact, that docket number should not have been opened in the first place. As explained in my December 30, 2013, order: the 13-6119 docket was mistakenly created when Green’s reply brief in his existing § 2255 petition (docketed in 13-2660) was incorrectly docketed as a separate § 2255 petition. *See* ECF No. 6 (13-6119); ECF No. 11 (13-2660). Because the 13-6119 docket number was created in error, no certificate

of appealability will be issued under that docket number. As to Green's § 2255 petition docketed in 13-2660, I already decided that no certificate of appealability will issue, *see* ECF Minute Entry 10/30/2013, and I see no reason to revisit that decision.

Green is instructed that even though I denied a certificate of appealability on his § 2255 petition, the Court of Appeals can also issue such a certificate. However, Green is also informed that there are time limits to seeking a certificate of appealability from the Court of Appeals.

So ordered.

John Gleeson, U.S.D.J.

Dated: February 28, 2014
Brooklyn, New York